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FEDERAL ELECTION  
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February 7, 2006

Larry Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

**Re: MUR 5699 Respondent Hillary Rodham Clinton for US Senate Committee, Inc. and Shelly Moskwa, Treasurer**

Dear Mr. Norton:

On behalf of Hillary Rodham Clinton for U.S. Senate Committee, Inc. and Shelly Moskwa, treasurer, (the "Committee") this letter is in response to an untimely complaint filed by a disgruntled vendor, Patricia Waters. For the reasons set forth below, the Commission should find no reason to believe that the Committee violated the Federal Election Campaign Act of 1971, as amended, ("FECA") or the Commission's regulations.

1. The Committee did not commit a violation of the Act.

Nowhere in the complaint is there even an allegation that the Committee committed a violation of the Act. The only reference to the Committee is that in November 2005, Ms. Waters claims that she sent copies of something to the Committee. There is no allegation of a violation by the Committee. Thus, there is no basis for finding a reason to believe that the Committee violated the Act.

2. Complaint was filed more than two years after the period of limitations expired.

The underlying activity complained of by Ms. Waters is that she did not receive payment for invoices she says she submitted to someone on or before August 25, 2000 for services she provided in connection with a New York Senate 2000 event held on August 12, 2000. The period of limitations effective for civil violations occurring before November 6, 2002 was three (3) years after the date of the violation. 2 U.S.C. § 455(a) (2000). In this matter, the period of limitations expired on or about August 25, 2003. Ms. Waters's complaint was filed two and one-half years after the effective period of limitations expired. Thus, no action can be taken against the Committee in this matter.

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3. The Commission is barred from taking any action against the Committee pursuant to the terms of the Conciliation Agreement in MUR 5225.

On December 29, 2005, the Commission entered into a Conciliation Agreement with New York Senate 2000 that provided:

This agreement, unless violated, shall serve as a complete bar to any further action against New York Senate 2000 and its current and former joint fundraising participants, agents, employees and officers for acts arising out of, or relating to New York Senate 2000, [a fundraising event held on August 12, 2000] and all fundraising events held by New York Senate 2000 between September 16, 1999 through November 7, 2000.

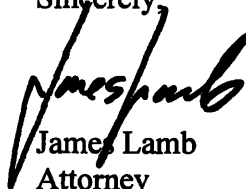
Pat Waters's complaint states that she was hired as a consultant for the fundraising event held on August 12, 2000 and that the allegedly unpaid invoices are in connection with that event. The Committee was a joint fundraising participant in New York Senate 2000. Thus, pursuant to the terms of the December 29 Conciliation Agreement, the Commission is barred from taking any action against the Committee for acts arising out of the August 12, 2000 fundraising event, including claims made by Pat Waters for payment of an invoice that she issued to someone more than five (5) years ago.

4. The Commission has already investigated this matter and concluded that the only violation that occurred was a failure by New York Senate 2000 to report an in-kind contribution from Pat Waters.

In her complaint, Pat Waters alleges that she did not receive payment for services that she provided in connection with the August 12, 2000 New York Senate 2000 fundraising event. After a four year investigation, the Commission concluded that Pat Waters made an in-kind contribution to New York Senate 2000 in the amount of \$13,057.94. The Commission has already investigated this matter and concluded that the only violation was a failure to report the amount of the in-kind contribution by New York Senate 2000. On or about January 30, 2006, New York Senate 2000 amended its report to disclose the in-kind contribution from Pat Waters. In addition, a payment of \$13,057.94 was sent to Pat Waters as a refund of the alleged in-kind contribution. The refund was reported by New York Senate 2000 on its termination report filed on January 30, 2006. Thus, the full amount of the in-kind contribution that the Commission determined was permissible has been refunded to Pat Waters and reported to the Commission.

For these reasons, we respectfully request that the Commission close this matter as it pertains to the Committee.

Sincerely,



James Lamb  
Attorney

Hillary Clinton for U.S. Senate Committee, Inc.

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